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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/627,545	07/25/2003	Motoki Kato	275929US6CONT	3594
22850	7590	06/02/2008		
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314				
EXAMINER				
WENDMAGEGN, GIRUMSEW				
ART UNIT		PAPER NUMBER		
2621				
NOTIFICATION DATE		DELIVERY MODE		
06/02/2008		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/627,545

Applicant(s)

KATO ET AL.

Examiner

GIRUMSEW WENDMAGEGN

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 December 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5, 8, 15-22, 29-43 and 50-64 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 8, 15-22, 29-43 and 50-64 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 12/14/2007 has been entered.

Response to Arguments

Applicant's arguments with respect to claim1-5, 8, 15-22, 29-43 and 50-64 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim1,3-4, 8,15,-16,18-22,29-30,32-37,39-43,50-51,53-58,60-64 is rejected under 35 U.S.C. 103(a) as being unpatentable over Okuyama et al (Patent No US 5,987,126) and Nishimura et al (Patent No US 7,218,736).

Regarding claim 1,8, Okuyama et al (hereinafter Okuyama) teaches an information processing apparatus, comprising: an extractor configured to extract main information including copy control information, and to extract auxiliary information representing attributes of said main information from input information (see figure 4 element 41); a generator configured to generate copy permission information based on said extracted auxiliary information (see figure 4 element 44) and a recorder configured to record transport stream packet with copy permission information (see column 16 line 1-12) but does not teach a recorder configured to record the main information as a 188-byte transport stream packet, and to record the copy permission information generated by the generator in one extra 4-byte header adjacent to but separate from, the 188-byte transport stream packet. However Nishimura et al (hereinafter Nishimura) teaches having an extra 4-byte header adjacent to but separate from the 188-byte transport stream packet (column 4 line 59-62).

One of ordinary skill in the art at the time the invention was made would have been motivated to have the extra-4 byte header as in Nishimura in to Okuyama because it would allow the user to include other information in the header.

Regarding claim 3, 18, Okuyama teaches the information processing apparatus according to claim 1 wherein: said main information is a transport stream (see column 3 line 23-25); and said auxiliary information is information indicating a mode in which said main information is encoded (see column 12 line 40-47 CGMS).

Regarding claim4 and 19, Okuyama teaches the information processing apparatus according to claim 3 wherein said copy permission information recorded by said recorder in an extra 4-byte header for each transport stream packet of said transport stream (see column16 line 1-12).

Regarding claim5 and 20, Okuyama teaches the information processing apparatus according to claim1 wherein: said input information is received through an IEEE1394 digital interface (see figure4 IEEE1394 interface); and said auxiliary information is an encryption mode indicator-(EMI) (see column12 line 40-47 CGMS).

Regarding claim 15, Okuyama teaches the information processing apparatus of claim 1, further a splitter operable to split the input information into a plurality of isochronous. Packets, each having an Encryption Mode Indicator (EMI) associated therewith (see column13 line 38-41); and an analyzing circuit operable to select a strongest copy restriction mode from among the EMIs associated with the plurality of isochronous packets at a value representative of the input information (see column14 line 24-39).

Regarding claim16, Okuyama teaches the information processing apparatus of claim15, wherein the generator is configured to generate a Copy Permission Indicator (CPI) corresponding to the EMI having the strongest copy restriction mode (see column14 line 24-39).

Regarding claim21, Okuyama teaches the information processing method of claim 8, further comprising the step of: splitting the input information into a plurality of isochronous packets, each having an Encryption Mode Indicator (EMI) associated therewith (see column13 line 38-41); and selecting a strongest copy restriction mode from among the EMIs associated with the plurality of isochronous packets at a value representative of the input information (see column14 line 24-39).

Regarding claim22, Okuyama teaches the information processing method of claim 21, wherein the generation step comprises generating a Copy Permission Indicator (CPI) corresponding to the EMI having the strongest copy restriction mode (see column14 line 24-39).

Regarding claim29,35,50,56, Okuyama teaches an information processing apparatus, comprising: an extractor configured to extract main information including copy control information, and to extract auxiliary information representing attributes of said main information from input information (see figure4 element 41); an analyzing circuit configured to analyze said copy control information (see figure4 element 42); an encoder configured to convert said copy control information into new copy control information when it is determined that said copy control information is valid(see figure4 element 44) ; a generator configured to generate copy permission information based on said extracted auxiliary information (see figure4 element 44) and recorder configured to record transport stream packet with copy permission information(see column16

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line1-12) but does not teach a recorder configured to record the main information as a 188-byte transport stream packet , and to record the copy permission information generated by the generator in one an extra 4-byte header adjacent to but separate from, the 188-byte transport stream packet. However Nishimura teaches having an extra 4-byte header adjacent to but separate from the 188-byte transport stream packet (column4 line 59-62).

One of ordinary skill in the art at the time the invention was made would have been motivated to have the extra-4 byte header as in Nishimura in to Okuyama because it would allow the user to include other information in the header.

Regarding claom30, 51, Okuyama teaches the information processing apparatus according to claim 29 wherein said generator is further configured to generate said new copy control information when it is determined that said copy control information is invalid (see column14 line 2439)

Regarding claim32, 39,53 and 60, Okuyama teaches The information processing apparatus according to claim 29 wherein: said main information is a transport stream (see column3 line 23-25); and said auxiliary information is information indicating a mode in which said main information is encoded (see column12 line 40-47 CGMS).

Regarding claim33, 40, 54 and 61, Okuyama teaches the information processing apparatus according to claim 32 wherein said copy permission information is recorded

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by said recorder in an extra 4-byte header for each transport packet of said transport stream (see column16 line 1-12).

Regarding claim34, 41, 55 and 62, Okuyama teaches the information processing apparatus according to claim 29 wherein: said input information is received through an IEEE1394 digital interface (see figure4 IEEE1394 interface); and said auxiliary information is an encryption mode indicator (EMI) (see column12 line 40-47 CGMS).

Regarding claim36, 42, 57 and 63, Okuyama teaches the information processing method of claim 35, further comprising: splitting the input information into a plurality of isochronous packets, each having an Encryption Mode Indicator (EMI) associated therewith (see column13 line 38-41); and selecting a strongest copy restriction mode from among the EMIs associated with the plurality of isochronous packets at a value representative of the input information (see column14 line 24-39).

Regarding claim37, 43,58 and 64 Okuyama teaches the information processing method of claim 36, wherein an the generating step comprises generating a Copy Permission Indicator (CPI) corresponding to the EMI having strongest copy restriction mode (see column14 line 24-39).

Claim2, 17,31,38, 52 and 59 rejected under 35 U.S.C. 103(a) as being unpatentable over Okuyama et al (Patent No US 5,987,126) and Nishimura et al

(Patent No US 7,218,736) as applied to claim1, 3-5, 8, 15-16,18-22,29-30,32-37,39-43,50-51,53-58, 60-64 above, and further in view of Shima et al (Patent No US 6,298,196).

Regarding Claim2, 17, 31, 38, 52, 59, see the teaching of Okuyama and Nishimura above. Both do not teach validity of copy permission information based upon whether said apparatus that recorded said main information recognized and processed said first copy control information. However Shima et al teaches validity of copy permission information based upon whether said apparatus that recorded said main information recognized and processed said first copy control information (see column3 line 13-32).

One of ordinary skill in the art at the time the invention was made would have been motivated to determine the validity of copy permission information based on whether apparatus recognized and processed copy control information as in Shima et al in to Okuyama system because it would make the system much effective in copyright protection.

Therefore, the invention as a whole would have been prima facie obvious to one of ordinary skill in the art at the time the invention was made, absent unexpected results to the contrary.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to GIRUMSEW WENDMAGEGN whose telephone number

is (571)270-1118. The examiner can normally be reached on 7:30-5:00, M-F, all Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tran Thai can be reached on (571)272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Girumsew Wendmagegn/
Examiner, Art Unit 2621

/Thai Tran/

Supervisory Patent Examiner, Art Unit 2621

